



EPISCOPAL ELECTIONS.

A LETTER

—TO THE—

VEN. ARCHDEACON WHITAKER, M. A.,

Prolocutor of the Provincial Synod of Canada,

—BY—

JOHN TRAVERS LEWIS, D.D., LL.D.

BISHOP OF ONTARIO,

Being an answer to "A STUDY IN ECCLESIASTICAL POLITY,"

—BY—

S. DAWSON, Esq., *Delegate to the Provincial Synod,*

from the Diocesan Synod of Montreal

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OTTAWA:

PRINTED BY A. S. WOODBURN, EGIN STREET.

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A LETTER

VEN. ARCHDEACON WHITAKER, M. A.

JOHN TRAVELERS JEWES, D.D., LL.D.

BISHOP OF ONTARIO

S. DAWSON, Esq., Delegate to the Provincial Synod

from the Diocese of Montreal

EPISCOPAL ELECTIONS.

MY DEAR PROLOCUTOR,

Congratulations have been heaped upon the late Provincial Synod, on account of the good feeling which animated its members, and the readiness with which they adopted the Canon on the "Consecration of a Bishop." This harmony and the solution of a difficulty have been attributed to two causes. First.—The suggestion of Chancellor Bethune whereby a Canon on the "Consecration of a Bishop" was substituted for a Canon on the "Confirmation and Consecration of Bishops," and Secondly.—To the influence exercised by a pamphlet on "Episcopal Elections," written by Mr. S. Dawson, and circulated so short a time before the meeting of the Synod as to preclude the possibility of a reply in pamphlet form. As I was the author of the Canon on "Confirmation and Consecration" which was adopted by the House of Bishops, and moreover was the mover of the present Canon, I wish for the sake of consistency to explain that I was in no way influenced by Mr. Dawson's argument, nor by any supposed superiority of Chancellor Bethune's Canon, but by an earnest wish to avoid what seemed likely to be an acrimonious debate. The Chancellor's Canon is good so far as it goes, but I do not accept it as an equivalent for a Canon of "Confirmation of a Bishop." Mr. Dawson's pamphlet may have had some influence with members of the Synod, but certainly not with me, and I purpose devoting the following pages to an exposition of some Fallacies contained in it.

Mr. Dawson, referring to the Canon on "Confirmation of a Bishop," says, "And here it is well to note, that what is really claimed, under cover of the proposed Canon, is a new elective in the House of Bishops, over the Diocesan Synod." We have here an unpleasant insinuation and a misstatement. Mr. Dawson ought to know, that what was claimed was a right of veto to be exercised by a Majority of the House of Bishops, in the case of a Diocesan election. A veto power and an elective

power are widely different. The Senate of the United States can veto an appointment made by the President, yet they cannot be said to elect Ambassadors. A Bishop has a veto in a Diocesan Synod, but it would be an abuse of language to say that he elects its officers. King John, in his Charter of freedom of Episcopal elections, *ut liberæ sint electiones*, provides that after an election has been performed, his assent should be required, *post celebratam electionem noster requiratur assensus*, yet neither he nor his successors can be said to have elected Bishops under the Charter*. A veto power may be used unfairly by a man or a body of men resolving to veto every name submitted for approval till his or their candidate be reached, and of this we had something very like an instance in the case of the election of a Metropolitan, when the Synod of Montreal vetoed name after name; but such an abuse of a veto power could not by possibility occur under a Canon of Confirmation. Perhaps some members of the Provincial Synod may have been prejudiced against the Canon by Mr. Dawson's way of putting the matter: "A new election in the House of Bishops, over the Diocesan Synod." I thought that in case a new election was made necessary by a veto of the House of Bishops, the new election would be held in the Diocesan Synod, and not in the House of Bishops. Indeed there seems to be a *primâ facie* ground for giving the House of Bishops this veto. If by our Diocesan Legislation, one Bishop may veto a resolution of a Diocesan Synod, why may not a majority of the House of Bishops veto a resolution of that same Synod on an Episcopal election, a resolution carried too at a time when the Synod is without one of its constituent parts—the Bishop, and when the composition of the House of Bishops itself is greatly concerned. Common sense suggests that a case may arise when a revising power external to a Diocesan Synod might be most desirable. Suppose the case of a Priest elected a Bishop by a majority of one vote. Suppose again that the one vote is his own, (this case has really occurred). Add to this the supposition that the Bishop elect has been under grave suspicion of holding heretical doctrine, though nothing has been proved by direct evidence against him. Further suppose that on

* Stubbs, Select Charters, p. 289.

investigation it be discovered that the best and most learned men in the Synod were in the minority, and I think we have a case in which the veto of the House of Bishops would be fairly permissible.

But besides putting the whole case unfairly, Mr. Dawson endeavours to fasten a name (rather odious in church matters) on the promoters of the Canon on Confirmation. They are "the innovating party." The charge, however, of being innovators can not be applied in an offensive sense, unless we were trying to change some venerable and long-established usage. The election of Bishops in Canada is a usage about twenty years old. In the year 1857 the Diocese of Toronto enacted a Canon regulating an Episcopal election, but from the circumstances of the case, they could not complete the Canon in accordance with the wishes of many, because our Provincial System was not then in existence—there was no House of Bishops. The charge of *innovating* is therefore an unworthy taunt thrown at men who desire to add a safeguard to the existing Canons of Diocesan elections by providing that the Com-provincial Bishops shall have a voice in the election of one of their own body. We must recollect, however, that similar charges of innovation were flung at the Reformers of the Anglican Church, who all the while believed themselves to be renovators, not innovators.

Mr. Dawson assails the argument from the custom of antiquity and especially that from the 4th Canon of the Nicene Council. He argues that the Canons of that Council are inapplicable and obsolete, and that "general Councils may err." I have no wish to claim infallibility, or perpetual applicability for a Canon of a general Council, but as an English churchman I must defer to its authority. I regard the 4th Canon of Nicæa as a testimony to the practise of the Primitive Church. There is no justification for the Anglican Reformation but the appeal to the Primitive Church, and to the New Testament which owes its Canonicity and consequent Authority, to its acceptance and endorsement by the same Church and age that gave us the Creeds. An appeal to the Primitive Church is the *raison d'être* of the present Church of England. Whenever an apology was demanded for the English Reformation, the

answer alike from Convocation and Parliament was—an appeal to the Primitive Church. Convocation spoke for the Spirituality of the nation, and the 139th Canon says of it, “Whosoever shall hereafter affirm that the sacred Synod of this Nation, in the name of Christ and by the King’s authority assembled, is not the true Church of England by representation, let him be excommunicated.” But Convocation says in the preface to the first Prayer Book of Edward VI. :—

“Here you have an order for prayer (as touching the reading of the Holy Scriptures) much agreeable to the mind and purpose of the old Fathers.” The Convention of A.D. 1571, which ordered subscription to the 39 articles, decreed that nothing should be taught as an Article of Faith, “except what is supported by Scripture and Catholic tradition.” The “Apology” of Bishop Jewell may well be considered as an authorized manifesto of the principles of the Reformation, and it is based wholly on the fact that the Reformation was a return to the order of the Primitive Church. He says; “*Hoc tamen unum non possunt dicere, nos vel a verbo Dei, vel ab Apostolis Christi, vel a primitivâ Ecclesiâ descivisse.*” In harmony with this teaching, we find the thirtieth Canon of the Church of England affirming “that it was not the purpose of the Church of England to forsake or reject the churches of Italy, France, Spain and Germany, in all things that they held and practised, and only departed from them in those particular points wherein they were fallen, both from themselves in their ancient integrity, and from the Apostolical Churches which were their first founders.” So completely is the cause of the Anglican Reformation identified with this principle that the Puritan historian Neal is obliged to say that, “the English Reformers wished to depart no further from the Church of Rome, than she did from the Primitive Church.” But I need not adduce further proof; suffice it to say, that the Church, in the preface “Concerning the Service,” justifies her Ritual by an appeal to the “godly and decent order of the ancient Fathers,” in the Communion Service regrets the absence of the “Godly Discipline” of the Primitive Church, in her Ordination Service refers for proof of a threefold Ministry “to Holy Scripture and to ancient authors,” and in her 24th article appeals to the Primitive Church to justify public

prayer in the language understood by the people; all going to prove the accuracy of the answer made by Queen Elizabeth to the Roman Catholic Princes, "that there was no new faith propagated in England, no religion set up but that which was commanded by our Saviour, practised by the Primitive Church, and unanimously approved by the Fathers of the best antiquity." From this grand basis of truth there is, thank God, no probability of our being removed, since the Lambeth Conference, consisting of 78 bishops of the Anglican Church, solemnly resolved and recorded their convictions that unity will be most effectually promoted by maintaining the Faith in its purity and integrity—as taught in the Holy Scriptures, held by the Primitive Church, summed up in the Creeds and affirmed by the undisputed General Councils.*

The Legislation of Parliament was based on similar principles. The Act of Uniformity (1552) which authorized the second Prayer Book of Ed. VI, declares of the first Book that it was a "Godly order," agreeable to the Word of God and the Primitive Church, and the word *Primitive* is defined by an Act passed in the first year of Ed. VI, c. I, to mean "the space of 500 years and more after Christ's ascension." The Act touching Heresy in the reign of Elizabeth provides that "nothing shall be adjudged to be heresie but only such as have heretofore been determined ordered or adjudged to be heresie by the authority of the Canonical Scriptures, or by the *first four General Councils*, or any of them;" and the Act of Uniformity of Charles II, says of the order of Common Prayer in use in the reign of Elizabeth, that "It was agreeable to the Word of God and usage of the Primitive Church." The 4th Canon of Nicœa therefore challenges the respect of English Churchmen. That Canon is as follows, but I take the liberty of translating it somewhat differently from Mr. Dawson: "A Bishop ought indeed to be constituted by all the Bishops in the Province. But if this be difficult either by reason of urgent necessity, or the length of the way, when three by all means have met together, the absent also giving their suffrage and testifying their assent by letter, then let the election be made, but the ratification must be allowed to the Metropolitan in each Province." It serves no

* Extract from a Charge of the Bishop of Ontario, 1872.

purpose to say that because some of the Canons of the Council seem obsolete, *all* are so. The Canon in question is neither obsolete nor inapplicable, since Mr. Dawson's own witness, Dean Stanley says of it, "This Canon is still observed throughout the greater part of Christendom." The main point then is the interpretation of the Canon. Mr. Dawson asserts that the Canon is "a Canon of Ordination and not of election," and he quotes Barrow's reference to Pope Celestine's dictum, "Let not a Bishop be given to the unwilling, let the consent of the clergy and people and order be required to constitute a choice," *Nullus invitis detur Episcopus, cleri, plebis et ordinis consensus ad desiderium requiratur.*" Ep. II, 5. Mr. Dawson says on the authority of Phillimore, &c., that "order" is not intended to mean the Episcopal order, but that it refers to Lay Officials. This seems to me very doubtful. Celestine wrote, A.D. 428, and in order to get at his meaning, let us be guided by an almost *contemporanea expositio* of his language. The 4th Council of Carthage (A.D. 401) has a Canon which, according to Bingham, "comprises the whole practice of the Church in relation to this matter." It decrees that the ordination of a Bishop should always be by the consent of four parties, the Clergy, the Laity, the Provincial Bishops and the Metropolitan, *cum consensu clericorum et laicorum et conventu provincie episcoporum maximeque metropolitani vel auctoritate vel presentia ordinetur episcopus.* I suppose therefore that "the order" of Celestine means the Episcopal order, but even should this be denied, Celestine's authority goes no farther than to assert, what is not denied, that Bishops were elected by Clergy and Laity. Neither Celestine nor Barrow proves that the Nicene Canon was one of ordination as distinguished from election, nor do they assert that the Provincial Bishops had no share in an Episcopal election. The quotation from Pope Leo will not serve Mr. Dawson's argument in the least. It is as follows: "When there is an election of a Bishop, let him be preferred who has the unanimous consent of the clergy and people, so that if the votes be divided by parties, let him by the judgment of the Metropolitan be preferred whose merits and interests are greatest," *cum ergo de summi sacerdotis electione tractabitur, ille omnibus preponatur quem cleri plebisque consensus concor-*

diter postularit ; ita ut si in aliam forte personam partium se vota dividerint, Metropolitanis iudicio is alteri præferatur qui maioribus et studiis juvatur et meritis. I ask how does this quotation from Pope Leo prove that the Canon of Nicæa is one of ordination only? Leo goes on to say, "Let there certainly be expected (or waited for) the wishes of the citizens, the testimonies of the people; let there be sought for, the will of honourable men, the election of the Clergy. He who is to preside over all, should be chosen by all." *Expectarentur certe vota civium, testimonia populorum: quærentur honoratorum arbitrium, electio clericorum. Qui præfuturus est omnibus, ab omnibus eligatur. Ep. ad Vien. 89.* This language precludes all idea of formal voting. They who had to wait for, and expect and seek for such qualifications, could be none others than the Metropolitan and Provincial Bishops. Leo says, that one unanimously elected should be preferred. So we should imagine he ought to be, but preferred to whom, and by whom? Is it not plain that there was a power outside that of the ordinary electors which could give this preference? We see also that the Metropolitan was not bound to ordain him who had most votes, unless he had also greatest merits. But when votes were divided, who could decide on the question of merit but the assembled Bishops? At all events, what has the language of Leo to do with proving the Nicene Canon one of ordination only?

Mr. Dawson adduces Bingham and Stanley "with the great majority of Canonists," as holding the view that the Nicene Canon is one of ordination and not of election. A contemporaneous exposition of the Canon is however worth a dozen modern ones. The Second Council of Arles (A.D. 326) just one year after the passing of the Nicene Canon, enacted as follows: "Let no Bishop without the permission of the Metropolitan, nor the Metropolitan without three Comprovincial Bishops presume to ordain a Bishop, so however that the other Comprovincials may be warned by letters to signify their consent by their answers. But if any difference should arise between parties, let the Metropolitan agree with the majority in the election." *Nullus episcopus sine Metropolitanis permisso, nec Metropolitanus sine tribus episcopis Comprovincialibus presumat episcopum ordinari; ita ut alii Com-*

provinciales epistolis admoneantur ut se suo responso consensisse significant. Quod si inter partes aliqua nata fuerit dubitatio, majori numero Metropolitanus in electione consentiat.—MAGN. CENT., Vol. II, p. 704. It is quite clear from this Canon that the Metropolitan had to obtain the consent of a majority of the Provincial Bishops before he could consecrate. It is strange that the Fourth Nicene Canon should be thought a Canon of Consecration merely, when the Fathers who enacted it explain their own meaning, in their pastoral letter to the Bishops of Egypt. The Canon was aimed at Meletius, and they say regarding the Bishops ordained by him, that the Council had determined, "that they should have no power at all of electing whom they please, or of proposing names of those to be elected;" *nullam omnino potestatem habeant suos eligendi qui ipsis placeant, aut nomina eligendorum edendi.* They go on to say, "But if it should happen that some of those who are in the Church, (that is, ordained by Meletius) should die, they are to succeed to the office of the deceased, who have been lately assumed, if they appear worthy, and the people choose them, and the Bishop of Alexandria should agree and confirm." *Modo digni appareant, et populus eligat, ac Episcopus Alexandriae una adstipuletur et confirmat.* This passage, says the learned civilian Valesius, "evidently refers to the Bishops who were ordained by Meletius as well as to the Presbyters and Deacons. For if it only refers to the promotion of one Presbyter to the vacant place of another, why did the Nicene Fathers use so much caution? Why did they make so many and such important preliminary requisitions? Why so much solicitude in regard to the advancement of a Presbyter merely? Unquestionably, the words of the Council have a more immediate view to Bishops in the election of whom the suffrages of the people were necessary, and also a *confirmation* of their choice by the Bishop of Alexandria as the Metropolitan of Egypt." From all this it is evident that the Nicene Fathers had in view *election* as well as Consecration when they enacted their 4th Canon.

I shall now consider Mr. Dawson's argument from the Primitive Church. He says, "It seems strange then that so little stress was laid upon the election of Matthias, in the discussion at last meeting of Synod. The passage is so clear,

and the translation so exact, that no knowledge of Greek, or of Canon Law is required to understand it. They (the disciples generally, not the apostles) appointed two; they gave forth their lots, &c." I can well understand why no stress was laid upon the election of St. Matthias. It was an election referred partly to a human, and partly to a Divine direction. The Church in its capacity as a spiritual corporation was not as yet founded. The Holy Ghost had not yet been given. I consider, therefore, that such an election is no precedent for times subsequent to Pentecost. Moreover, I cannot agree with Mr. Dawson in considering "the passage clear or the translation exact." He has no authority for asserting that "*they*, the disciples generally, not the apostles, appointed two." There were about one hundred and twenty persons, men and *women* present, and the whole question resolves itself into this: to whom did St. Peter address himself? To the hundred and twenty, or to the ten Apostles? Surely he could not in addressing a hundred and twenty men and women, say truthfully, "He was numbered with *us*, and had obtained a part of this Ministry," that is, the Apostolic Ministry. Was Judas then numbered with all the Brethren present, as a partaker with them of that Apostolic function? Or with St. Peter only, and the other ten Apostles in the midst of whom he spake? Certainly, this latter sense is the utmost the words can bear when he says, "He was numbered *with us*," and consequently, they were his Apostolic Brethren only to whom he addressed them. St. Peter seems to have restricted the choice of the ten Apostles to some one of the disciples present, pointing at them, as it were, by that natural expression, "out of these persons that have accompanied with us." I cannot help thinking that, notwithstanding Mr. Dawson's statement, that "the translation is exact," the unwarranted insertion of the particle "*and*" in St. Peter's address, has had a great deal to do with the usual misconception of the passage. What St. Peter *did* say was, "Men, Brethren," that is, Men who are my Brethren, and not, "Men *and* Brethren." The former mode of address emphasizes his speech as one to the Apostles. But Mr. Dawson to the contrary, the learned Grotius draws this conclusion from the whole narrative, "It is a wonder to me how some men have persuaded themselves that Matthias was chosen

by the people to his Apostolic charge, for in St. Luke I find no trace of it." Beza too, when writing of the popular right to vote, says, that the "case of Matthias is nothing to the purpose," (*nikil ad rem facit*).† Mr. Dawson appeals to various authorities, such as Hook, Barrow, Burns, Gladstone, &c., to prove what is not denied, that Bishops were elected by Clergy and Laity. His mode of argument is an *ignoratio elenchi*. What he had to prove was, that Bishops were elected by Clergy and Laity alone, without any reference to, and irrespective of a veto by Provincial Bishops. What he strives to prove is, that they were elected by Clergy and Laity. A thousand years hence, it will be possible to refer to many treatises, and to cite great authorities to prove that in the Episcopal Church of the United States, in the present day, Bishops were elected by Clergy and Laity; but that will not prove that the House of Bishops had nothing to say in the matter. The right of the Bishops to confirm or veto an election is wholly untouched by the fact that Clergy and Laity are said to have elected a Bishop. Not one of the authorities appealed to by Mr. Dawson, asserts that the Provincial Bishops had no veto on a Diocesan election. It is quite possible to cite such historians as Hallam to prove Mr. Dawson's assertion. Hallam says, "according to the primitive custom of the Church, an Episcopal vacancy was filled up by election of the Clergy and people belonging to the city or Diocese." So far Hallam agrees with Mr. Dawson, but let us finish the quotation, "the subject of their choice however, after the establishment of the federate or provincial system, was to be approved or rejected by the Metropolitan and his suffragans, and if approved, he was consecrated by them."* Gibbon too, would serve Mr. Dawson in proof that Bishops were elected by Clergy and Laity, yet he says, "The authority of the Provincial Bishops who were assembled in the vacant church to consecrate the choice of the people, was interposed to moderate their passions, and to correct their mistakes. The Bishops could refuse to ordain an unworthy candidate, and the rage of contending factions sometimes accepted their impartial mediation."**

Lord Chancellor King in his celebrated "Enquiry," in which he strives to show the identity of Presbyter and

†Slater's draft of the Primitive Church. p. 183.

** Gibbon, vol. 2, p. 281.

*Hallam. Vol. 2, p. 179.

Bishop in the Primitive Church, candidly says, "Whomsoever the people had thus elected a Bishop, they presented to their neighbouring Bishops for their approbation and consent, lest the people through ignorance or affection should choose an unfit or unable man for that sacred office, it being supposed that a Synod of Bishops might be wiser judges in the case. A Bishop thus elected *and confirmed*, is to have his ordination." Mr. Dawson's pamphlet affords also an instance of what Whateley calls the "Fallacy of References," a fallacy which he says, "is particularly common in popular theological works. It is of course a circumstance which adds great weight to any assertion, that it should seem to be supported by many passages of Scripture, or of the Fathers and other ancient writers, whose works are not in many peoples' hands. Now when a writer can find few or none of those that distinctly and decidedly favour his opinion, he may at least find many which may be considered capable of being so understood, or which in some way or other remotely relate to the subject; but if these texts were inserted at length, it would be at once perceived, how little they bear on the question."† It is from passages such as Whateley describes, that Mr. Dawson draws his startling conclusion that in Episcopal elections, "the dominating influence of the Clergy and people may be traced through the whole. It is they *alone* who are concerned in elections, and before the Canon of Nicaea, A.D. 325, there is *no trace* even in ordinations of the assembly of the Bishops and Metropolitan upon such occasions." Surely Mr. Dawson must have overlooked the Cyprianic age. Seventy years before the Nicene Council, an African Synod, held under St. Cyprian, speaks of the mode of election then prevailing as "a Divine tradition and an Apostolic observance." What that mode was we know from the Synodical Epistle.§ The Council who wrote it had good reason to know what was or was not an Apostolic observance, as they met together about 150 years after the death of St. John. They say, "That a people obedient to the precepts of our Lord and fearing God, ought to separate themselves from a Prelate that is a sinner, and should not mingle with the sacrifices of a Sacrilegious Bishop; seeing that they chiefly had the power either of choosing worthy Bishops or

† Logie, p. 285.

§ Ep. 67, p. 172.

refusing unworthy ones." Mr. Dawson quotes so much of the Epistle, and in so doing gives an example of the "fallacy of references." Why did he not go on with the quotation and inform us that the Council adds "The practice received from Divine tradition and Apostolic observance must be diligently upheld and kept, which, is also kept by us and by almost all the provinces, namely, that to the due solemnization of ordinations (elections), all the neighbouring Bishops of the same province should meet together among the people for whom a Prelate is ordained (elected), and the Bishop should be chosen in the presence of the people who know most fully the lives of each, and are thoroughly acquainted with the character of every one from his conversation. This too we see was done among you in the ordination (election) of our colleague Sabinus, so that by the suffrage (goodwill) of the whole Brotherhood, and by the judgment of the Bishops who had met together in their presence, and who had written to you concerning him, the Episcopate was conferred upon him." *Proper quod diligenter de traditione Divinâ et Apostolica observatione servandum est et tenendum quod apud nos quoque, et fere per universas provincias tenetur, ut ad ordinationes recte celebrandas ad eam plebem cui præpositus ordinatur, Episcopi ejusdem provincie proximi quique convenient, et Episcopus diligatur, plebe presente, quæ singulorum vitam plenissime novit et unius cujusque actum de ejus conversatione perspexit, ut de universæ fraternitatis suffragio, et de Episcoporum qui in præsentia convenerant quique de co ad vos literas facerant—judicio, Episcopatus ei deferetur.* This Epistle entirely refutes Mr. Dawson's assertion that before the Council of Nicæa "there is no trace, even in ordinations of the assembly of the Bishops." Indeed the epistle not only disproves his assertion, but fails to prove that the people had any formal vote at all. For, let us consider the emergency that called forth this Pastoral. Basilides, a Spanish Bishop having committed idolatry was deposed, and Sabinus chosen in his stead. Afterwards Basilides obtained from Stephen, Bishop of Rome, an acknowledgement of his right to the See, and the Roman Bishop endeavoured to procure his restoration. In this dilemma, the Spaniards were forced to apply to the African Bishops for advice as to what should be

done between the contending claims of Basilides and Sabinus. Bearing this in mind let us give the reply of the African Synod. After assigning reasons why the people should oppose Basilides and support Sabinus, they add, "Nor let the people flatter themselves that they can be free from contagion of guilt if they communicate with a Bishop that is a sinner, and lend their consent to the unlawful and unjust Episcopate of their Bishop." *Nee sibi plebs blandiatur quasi immunis esse a contagio delicti possit cum sacerdote peccatore communicans, et ad injustum atque illicitum Præpositi sui Episcopatum, consensum suum commodans.* Is it not evident that the African Synod only meant that the faithful laity ought to separate themselves from a sacriligious Bishop because they had the power of making a choice between worthy and unworthy ones? Here was no case of a vacancy in a See. It was simply a question between the claims of two rival Bishops, and the Epistle merely declares that the people ought to withdrawn from the communion of a bad Bishop because they had the power to do so. The mode of an election is not touched upon till after quoting the precedents of Eliezar, Matthias and the seven Deacons, the Pastoral goes on as already cited to give the Divine and Apostolic method. How far we are to admit the participation of the Laity depends on the meaning of the phrase, *plebe presente*. Mr. Dawson seems to think that it is a technical term signifying not only admission to the sight of a transaction, but official participation in it. The learned Bingham however, who argues for the right of the Laity to elect Bishops by popular votes, has not adduced this Synodical letter in support of his argument; and no wonder. Surely when the Epistle explains itself and the meaning of *plebe presente*, we have no need to conjecture a different one. The people were to be present who knew and were acquainted with the character of each candidate to give testimony and assent or dissent. This will appear to be the meaning of the words *plebe presente*, if we compare them with their context in other passages. In this same Epistle, the Synod after adducing the precedent of the Apostles calling together the whole multitude of the disciples for the election of the Deacons, go on to give the reason why the Apostles so acted—to give testimony of worthiness, "that no one who was unworthy should creep into the ministry of the

altar, or to priestly position." *Ne quis ad altaris ministerium vel ad sacerdotalem locum obreperet.* Again, in another passage, we have the same object of the peoples' presence plainly set forth. "That a Bishop be chosen *under the eyes of all, the people being present*, and that he be proved worthy and fit by public judgment and testimony—that ordinations should not be made unless with the knowledge of *the people standing by*, so that the people being present, the crimes of the bad be detected, or the merits of the good be proclaimed, and there be a just and lawful ordination (election)." *Ut sacerdos plebe presente, sub omnium oculis deligatur et dignus atque idoneus publico judicio comprobetur, non nisi sub populi assistentis conscientia fieri oportere ordinationes, ut plebe presente, vel detegantur malorum crimina vel bonorum merita prædicentur, et sit ordinatio justa et legitima quæ omnium suffragio et judicio fuerit examinata.* It seems as plain as words can make it, that the object in requiring the presence of the people was simply to ensure testimony or approval. If other proof were wanting to show the meaning of *plebe presente*, we have it in the following passage from Origin, a contemporary of St. Cyprian. He says, "In the ordination (election) of a Bishop, the presence of the people is necessary that all may know assuredly that he who of all the people is the most excellent, the most learned, the most holy, most eminent for all virtue, is the person chosen to the Priesthood (Episcopate), and this is done, *the people standing by*, that there be no room left for after-retractions or scruples." *Requiratur enim in ordinando sacerdote et presentia populi ut sciant omnes et certi sint quia qui sanctorum, qui in omni virtute eminentior ille eligitur ad sacerdotium, et hoc adstante populo ne qua post modum retractatio cuiquam, ne quis scrupulus resideret.** Nor should it be forgotten that the precedents of Matthias and Eliezar adduced by the Synod in justification of requiring the presence of the people, restrict the peoples' part to testimony and interest, unless we are prepared to prove that Eliezar and Matthias were elected by popular vote. Mr. Dawson's argument therefore, so far from proving that clergy and people were alone concerned in elections, does not so much as prove that the latter had a formal vote at all. But

* Origin in Lev. 24. *omnium oculis deligatur et dignus atque idoneus publico judicio comprobetur, non nisi sub populi assistentis conscientia fieri oportere ordinationes, ut plebe presente, vel detegantur malorum crimina vel bonorum merita prædicentur, et sit ordinatio justa et legitima quæ omnium suffragio et judicio fuerit examinata.*

before citing other proofs of interference in elections by Bishops, I would draw attention to the fact that immense confusion of ideas has arisen from giving to words used by the Fathers, such as *suffragium* (suffrage), and *ordinatio* (ordination), the modern meaning attached to them. Lord Bacon truly says, "Men imagine that their minds have the command of language, but it often happens that language bears rule over their minds." We are so accustomed to associate the word *suffrage* with vote and ballot, that we assume that *suffragium* implies both in primitive times. This is as unreasonable as if we took the suffrages in the Litany to mean votes. In the Cyprianic age we find the word constantly used to describe the people's part in an election, but it meant nothing more than acclamation, plaudits and good will. St. Cyprian says that Cornelius was elected Bishop of Rome "by the judgment of God and the suffrage of Clergy and Laity." *De Dei judicio et cleri ac plebis suffragio ordinato.** Here the word is applied to the share the clergy and people took in the election, but surely if as St. Cyprian says, and as was generally believed, Cornelius had been designated by God, by some miraculous manifestation of His will, the election could not afterwards have been referred to popular voting. Elsewhere St. Cyprian alluding to this same event, says, "Cornelius was made Bishop by the *testimony* of almost all the clergy and the *suffrage* of the people who were present."† Once more, in an epistle to Cornelius himself, he says "Let them both know and understand that when a Bishop has been once made and approved by the *testimony* and *judgment* of his colleagues and of the people, another can by no means be appointed." *Et agnoscant et intelligent episcopo semel facto et collegarum ac plebis testimonio et judicio comprobato, alium constitui nullo modo posse.* In these quotations the words suffrage, testimony and judgment are used so indiscriminately, that it is evident the word *suffragium* had no technical meaning such as recording a vote.

The term *suffragium* is applied also to God's part in an election when He indicated His choice by some special interposition. St. Cyprian says, "When divine suffrages precede, human testimonies are not to be waited for."‡ *Sed expectanda non sunt*

* Ep. 68, p. 177.

† Ep. 55, p. 104.

‡ Ep. 38, p. 74.

testimonia humana, cum precedunt divina suffragia. He applies the term to express the importunity with which the Jews clamored for our Lord's crucifixion, "Importuning with violent and pertinacious suffrages." *Suffragiis violentis et pertinacibus flagitantes.** He uses it to express the joy of the people at the death of Goliath, "they leaped forth into a suffrage of praises,"† and many more such instances may be cited to show that all that is meant by suffrage is the concurrence and good will of the people.

Again, in primitive times the ordination of a Bishop and his election meant the same thing, except that ordination meant sometimes the whole transaction of election, confirmation and consecration. In those days the Bishops had to make wearisome journeys to the city or diocese that wanted a Bishop, and for the most part a Bishop was consecrated by them immediately after his election, not, however, without the consent in writing of a majority of the Provincial Bishops. I cannot agree with Mr. Dawson when he says, "The consent of the absent Bishops could not refer to the person of the candidate, but to the empowering of the Bishops present to act for all; for the reason of the Canon, as Van Espen shews was to prevent secret ordinations." But the consent of a majority was essential to an ordination which was equivalent to an election. Van Espen says, "The Metropolitan together with the Comprovincial Bishops, after having made an examination into the form of the election and concerning the person elected, proceeds to the ordination or consecration, if he found the election canonical, *and the person elected fit.*" *Si personam electam idoneam reperisset.‡* Thus Mr. Dawson's own witness, Van Espen, refutes the assertion that "the consent of the Bishops could not refer to the person of the candidate," and I would submit for Mr. Dawson's consideration whether he be quite accurate in stating that Van Espen shows that the reason of the Canon was to prevent secret ordinations. He simply tells us that such was the opinion of Innocent I., but gives us no opinion of his own. He adds moreover that the 4th Canon of Nicæa "could not be considered one of ordination or consecration only, because the consent of the absent Bishops could add nothing to the form of consecration, but would have

* De Vanitate, p. 16. † De Zelo, p. 228. ‡ Van Espen, p. 167.

force in approving an election or nomination." Ordination and election continued to be almost convertible terms into Mediæval times. In the extracts from the laws of the Anglo-Saxons, the election of their kings was called his ordination. In A.D. 787, a Council or Witenagemot enacted, "We enact that in the ordination of kings, no one permit the assent of bad men to prevail, but that kings be elected by the Bishops and Elders of the people." *Sanximus ut in ordinatione regum nullus permittat pravorum prævalere assensum sed reges legitime a sacerdotibus et senioribus populi eligantur.**

But I must now attend to Mr. Dawson's statement that, "In elections or even in ordinations, there is no trace before the Council of Nicæa of the assembly of the Bishops and Metropolitan." Before that date, he says "The Clergy and Laity alone were concerned in elections." The earliest account we have of the manner of appointing Bishops is to be found in St. Clement's letter† to the Corinthians. He was a "fellow labourer with St. Paul," and thus wrote, "The Apostles preaching through countries and cities, constituted their first fruits, (having proved them through the Spirit) Bishops and Deacons of those who should afterwards believe." It need not be said that at this period, neither Clergy nor Laity had anything to do with Episcopal elections, as both nomination and consecration rested with the Apostles. Moreover in the 36th Apostolic Canon we find it provided, "that if any one ordained Bishop should not be received, not according to his own desire, but by reason of the malice of the people, let him remain a Bishop, but let the Clergy of the city be excommunicated because they were not (better) instructors of such a disobedient people." This Canon cannot be later than the middle of the third century, and is probably much older, and it is clear (as Johnson remarks) "that the nomination of the Bishop was not in the people in this age, for how can it be conceived that a Bishop should not be received by the Diocese that had elected him?" But if the nomination was not in the people, with whom did it rest? It may be said that this Canon has no fixed date and is therefore unreliable, but it happens that we have a Canon of a Council whose date is known, very similar to the Apostolic Canon—the

* Stubbs Select Charters, p. 72. † Patres Apost., Vol. I., p. 144.

18th Canon of the Council of Ancyra, A.D. 314, twenty-one years before that of Nicæa. "If any being created Bishops, and not received by that Parish (Diocese) to which they were nominated, choose to proceed to other Parishes, and use violence against the settled (Bishops), and move seditions against them, let them be suspended from Communion." Again, the 18th Canon of the Council of Antioch, A.D. 341, provides, "If any Bishop being ordained go not to the Parish for which he was ordained, not through his own fault, but either through the refusal of the people, or for any other cause that arises not from himself, let him partake of the honor and office." It is true this Canon was made seventeen years after the Council of Nicæa, but Bishop Beveridge has made it clear that the Canons of this Council were drawn up in studied imitation of the Apostolic Canons, and are therefore declaratory of long existing usages. It seems then, that it was no uncommon thing for a Diocese to refuse the Bishop appointed over them. Who, then, appointed him? Not the people surely, nor the clergy either who were to be excommunicated for not having taught the people better. There can be no solution of the question but by admitting that he was appointed by the Bishops as provided for by the 4th Canon of Nicæa, subject always to the fundamental maxim that a Bishop should not be given to an unwilling people. Bearing in mind that the Council of Antioch is but a testimony to very early, even to Apostolic usage, let me draw attention to its 16th Canon: It provides that, "If a Bishop without a See, throwing himself upon a vacant Church, usurp the throne without a full Synod, he be rejected *even though the whole people on whom he has intruded choose him*, that is a perfect Synod at which the Metropolitan also is present." The 19th Canon provides, "Let not a Bishop be ordained (elected) without a Synod, and the presence of the Metropolitan, but when he is present, it is better by all means, that all his fellow ministers in the Province be with him, and it is meet that the Metropolitan summon them by letter, and if all come so much better, but if this be difficult, the majority at least by all means ought to be present, or give their consent by letters, and so let the election be made with either the presence or the suffrage of the majority." These Canons prove that even if "the whole people

choose a Bishop," their choice was invalid without the consent of the Bishops, and thus we find the explanation of the 4th Canon of Nicæa. I have shown that St. Cyprian had received "an Apostolic observance" that in almost all the Provinces, when a See was vacant, the neighbouring Bishops used to meet and elect a Bishop, *plebe presente*. This evidence was given by a Bishop some 125 years before the Council of Nicæa, and he tells us moreover that he had been ordained with the consent of his fellow Bishops, *consensus co-episcoporum*, and that Cornelius, Bishop of Rome, had been ordained (elected) Bishop by sixteen co-Bishops. Yet Mr. Dawson says that, "that before the Council of Nicæa there is no trace, even in ordinations of the assembly of the Bishops on such occasions." Surely, sixteen was a large number to assemble at a time when persecution was raging, and the Roman Clergy could write to St. Cyprian, "that the grant of a Bishop was withheld from us by God," and that in this crisis, "they were obliged to consult with some of the Bishops who are near to us and within reach, and some whom the heat of the persecution had driven out from other provinces."* Again, the Council of Laodicea held (according to Dr. Pusey) before the Council of Nicæa, provides in the 12th Canon. "That the Bishops long approved both in the word of faith and the dispensation of the right doctrine, be constituted to the ecclesiastical government, by the judgment of the metropolitan and neighbouring Bishops." And, as if to prevent any misunderstanding, the following (13th) Canon says, "That the multitude be not permitted to make the elections of those who are about to be appointed to the Priesthood (Episcopate)." It would be difficult to reconcile these provisions of the venerable Council that gives us the first list of the Canonical Books of Scripture, with Mr. Dawson's assertion that Clergy and Laity alone were concerned in elections before the Council of Nicæa.

We have the incidental testimony of the Emperor Alexander Severus, A.D. 235, nearly a century before the Nicene Canon, to the method adopted by the Christians of publishing or propounding the names of those who were to be ordained Bishops. His Historian Lampridius says, "When he wished to give rulers to provinces, or to ordain procurators, he published

* Ep. 30.

their names, exhorting the people, that if any had a crime to urge he might make it evident by proof; and he said that it was a bad thing when Christians and Jews did this in propounding priests (Bishops) who were to be ordained, the same course should not be pursued in the case of rulers of provinces."* Here we have a practical explanation of the *testimonium plebis*; the Bishops proposed names, but to do so they must have been present at the election. Let me now cite the testimony of another Emperor as to the traditional usage. Auxentius, Bishop of Milan, being dead A.D. 374, the Emperor Valentinian called a Synod of Bishops, and after an address to them on the serious nature of the work in hand, said, "Consult now together, and elect as Bishop of this Church a man to whose authority we may submit ourselves, and whose rebukes we may endure without hesitation." The Synod decided to give the nomination to the Emperor who declined the responsibility in these words, "*It is your business*, and it is meet that you on whom God has conferred grace, should take charge of this matter, I decide that it is too great for my powers, and foreign to my office." *Vestrum est negotium, ac vobis id quibus gratiam suam Deus contulit curare convenit. Ego vero id et viribus meis majus et ab officio meo alienum judico.*† The Emperor was not so foolish as to interpret the 4th Nicæan Canon enacted only 49 years previously, as a Canon of Consecration only, or he would not have told the Bishops that the election was *their business*. The Bishops proceeded to consult together, but meanwhile the populace partly orthodox and partly Arian rushed to the church, and a riot ensued. Ambrose, prefect of the city, hastened to restore order. A child cried out, "Ambrose for Bishop." All united in acclamations, and the Synod sanctioned his nomination, no doubt on the principle that a unanimous election was a divine one. Ambrose resisted on the ground that there was no precedent for making an unbaptized layman a Bishop, but he was at length consecrated. *Quum resistebam ne ordinarer. Sed non valuit præscriptio tandem.*‡

Next in importance to the testimony of St Cyprian, is that of Jerome. He says, "One (presbyter) was elected as a remedy against schism, lest each one attaching parties to himself should

* Lamp. Vita Alex. Sev. c. 46, p. 297.

† Magd. Cent. Tom., 2 p. 1147.

‡ Lib. 10, Ep. 82.

rend the Church of Christ. For at Alexandria from the time of St. Mark the Evangelist to that of the Bishops Heracles and Dionysius, the presbyters always styled one elected from themselves, and placed in a higher rank—a Bishop, in the same way as if an army should make an Emperor, or Deacons select one of themselves whom they knew to be industrious, and call him Archdeacon.” *Quod autem postea unus electus est, in schismatis remedium factum est; ne unus quisque ad se trahens Christi ecclesiam rumperet. Nam et Alexandria a Marco Evangelista usque ad Heraclem et Dionysium Episcopos, Presbyteri semper unum ex se electum in excelsiori gradui collocatum, Episcopum nominabant; quomodo si exercitus Imperatorem faciat, aut diaconi eligant de se quem industrium noverint, et Archidiaconum vocent.** This passage has been explained to mean, that in the great See of Alexandria, Presbyters alone had the right of electing their Bishops. But how could St. Cyprian, an African Bishop, have said that a totally different mode of election had come down to him as a “Divine tradition and an Apostolic observance,” if Alexandria the greatest of African Dioceses had quite another Apostolic observance? This difficulty alone should make us be careful whether we understand Jerome aright. I conceive that we have in this celebrated passage another instance of the power of words over ideas. The misconception of the true meaning has arisen from translating *nominabant*, they *nominated*. But to “nominate one elected” is unmeaning. Jerome is speaking of the title not the election of Bishops. He says, that ever since St. Mark’s time, the Presbyters called the man elected (not by them) but from them, (he does not say by whom)—a Bishop, in the same way as an army may make an Emperor, or Deacons call one elected out of their number an Archdeacon. Emperor was strictly speaking a title given by the army and senate to a successful general. Jerome elsewhere uses the word *nominavit* in this sense. In his commentary on the 60th chap. Isaiah, he says, “In which the majesty of Holy Scripture is to be admired, because he called (*nominavit*) the future princes of the church, Bishops.” *In quo scripture sanctae admiranda majestas quod principes futuros Ecclesiae Episcopos nominavit.* Jerome could not possibly

* Jerome, Ep. 85.

mean by *nominavit*, elected, but simply, styled or called the officers of the church—Bishops. But in order to understand Jerome's meaning, let us take an illustration of an election—that of St. Athanasius to this very See of Alexandria. It took place the year after the Council of Nicæa. Jerome was born five years after this election, and must have known all about it, as it led to such wonderful results. The Arians, who expelled St. Athanasius from his See, objected to his election, on the ground that the people had not been consulted. The Bishops accordingly met in Synod, wrote a letter to all the Bishops of the Catholic Church, and with great vehemence denied the existence of the alleged defect. "Because, say they, the whole multitude and the whole people of the Catholic Church, as if with one mind and body assembled, with shouts and vociferations demanded that Athanasius be given as Bishop to the Church."* *Quod omnis multitudo omnisque populus Catholicæ ecclesiæ tanquam ex una anima et corpore congregati, clamoribus et vociferationibus postularent Athanasium ecclesiæ Episcopum dari.* They go on to say, †"That the people implored of Christ in public prayer that their request might be granted, and conjured us many days and nights, that we should accede to their wishes and in the meantime would not depart from the Church, nor allow us the possibility of departing." *Idque publicis votis a Christo expetisse, nosque ut faceremus per multos dies ac noctes jurejurando obtestatos fuisse; cum interea nec ipsi ab Ecclesiâ discederent, nec nobis discedendi facultatem permetterent.* This expulsion of St. Athanasius and the election in his stead of Gregory, at Antioch, led to the calling of a Synod at Rome by Pope Julius. In a letter written to the leaders of the Arian party at Antioch, he says, "Where is the ecclesiastical Canon or Apostolic tradition of this kind, that when the Church is at peace and the Bishops in agreement with Athanasius, Bishop of Alexandria, you should send Gregory a foreigner and a stranger, neither baptized at Alexandria, nor known to the people, nor demanded by the Presbyters, and make him Bishop in Antioch?" Julius here incidentally tells us what in his opinion constituted a Canonical election at Alexandria, viz., the

* The Egyptian Bishops might have defended St. Athanasius better by affirming that St. Mark had given the right of election to the Presbyters, had any such right existed.

† Magd. Cent. Tom. 2, p. 1029.

person should be "known to the people," *plebi cognitum*, "asked for by the Presbyters," *Presbyteris postulatum*, and "not a foreigner," *non peregrinum*. This tallies with Jerome's account who says that the Bishop was elected from the Presbyters, *ex se*, that is, not a foreigner. It by no means follows from there being no mention made by Julius of the Bishops, that they had no share in the transaction, as we have already seen that they met at Alexandria and took the chief part in the election. We have another testimony to the mode of an election in this great See, in a letter of Peter the successor of St. Athanasius, and expelled by the Arians in favor of Lucius. Of the latter he writes, "No convention of orthodox Bishops had appointed him, nor the suffrages of the true Clergy, nor the request of the people, as ordered by ecclesiastical decrees." *Non hunc constituerat conventus orthodoxorum Episcoporum, non verorum clericorum suffragia, non populi postulatio, quemadmodum ecclesiasticis jubetur sanctionibus.** Still further, †Nazianzen says of this election of St. Athanasius, "that it was after an Apostolic and spiritual manner that he was carried to the throne of St. Mark." I have dwelt at length on the election of St. Athanasius because Alexandria was one of the greatest Sees of antiquity, and because St. Athanasius was himself present as a Deacon at the Council of Nicœa, and must have known whether his own election was Canonical, or in other words, whether the 4th Canon was simply one of Consecration, and gave the Bishops neither vote nor veto in the election.

I shall adduce another instance to show that seventy-five years before the Council of Nicœa, Bishops "were concerned in elections," and that the Metropolitan was present. Gregory Nyssen tells us that a delegation was sent to Gregory of Neo-cæsarea, by the City of Cumana, to ask him to establish a Bishopric there. He consented to visit Cumana for the purpose. After some days spent in preparations, the election took place. The chief laymen were all busy in bringing forward such as they deemed to be pre-eminent for birth or eloquence, and presented their several candidates with commendations from each on behalf of the object of his choice. The laymen were greatly divided in opinion, and Gregory *would accept none of*

* Magd. Cent. Tom. 2, p. 1362.

† Orat. 21, on Athanasius p. 877.

the names proposed. One of those present feeling insulted because the Bishops would accept none of their candidates, and because Gregory paid no attention to the interest taken in the nominees, tauntingly recommended him to select Alexander the charcoal-burner. Gregory took the sneering layman at his word, and having made enquiries into the man's character and life, ordered him to be decently arrayed in a suit of his own (Gregory's) robes, for his consecration. While this was being done, Gregory gave them all a lecture on the sin of judging according to the appearance, and on Alexander being brought back, consecrated him.* This is but a summary of the graphic scene described by Gregory Nyssen, and it supplies another refutation of Mr. Dawson's statement, "That the Clergy and Laity *alone* were concerned in elections, and before the Canon of Nicæa, there is no trace, even in ordinations of the assembly of the Bishops and Metropolitan upon such occasions."

It appears that in the days of St. Ambrose, it rested greatly with the Metropolitan, whether a particular candidate was appointed to a See or not. St. Ambrose, after his allusion to those who, following the opinion of Simon, bought with money the grace of the Holy Episcopate, goes on to say, "You may see in the Church everywhere those whom not merit, but money, carried forward into the order of Episcopacy—a trifling and untaught people who admitted among them such a Priest." It was, therefore, no uncommon thing to find the Laity in the 4th Century so careless and ignorant as quietly to accept Bishops appointed as follows. "If you ask them faithfully who made them Priests, they will straightway answer and say, 'I was lately ordained by the Archbishop, and I gave him a hundred shillings that I might deserve to obtain the grace of the Episcopate; if I had not given them, I should not be to-day a Bishop. I gave the gold and I got the Bishopric.' (*Sectantes Simonis sententiam, Episcopatus gratiam pecuniis coemerunt et viles in ecclesia passim quos non merita sed pecuniæ ad Episcopatus ordinem proveherunt; nugacem populum et indoctum qui talem sibi asciverunt sacerdotem—Quos si percuncturi fideliter velis, quis eis præfecerit sacerdotes, mox et dicunt, ab archiepiscopo sum nuper Episcopus ordinatus, centumque solidos dedi ut episco-*

*Vita Gregor Thaumaturgi, p. 286-91.

*palem gratiam consequi meruissem ; quos si minimè dedissem, hodie episcopus non essem—aurum dedi et episcopatum comparavi.)** I cite this passage to prove that the Metropolitan must have been "concerned in elections," in the days of St. Ambrose, and if it be objected, that he wrote subsequently to the Nicene Council, I reply that he was not describing any particular date, but the age generally in which he lived. He was born eight years after the Council, and we may be sure that the venality he condemns, could not have arisen all at once, but prevailed before he was born, as no one, whether an individual or a Church "*repente turpissimus fit.*" I scarcely think that Mr. Dawson could have been so positive that "there is no trace even in ordinations of the presence of the Provincial Bishops, before the Canon of Nicæa," had he duly considered that the Canons of the Council make no claim to originality. They take for granted a code of Ecclesiastical law of long standing. The Fathers of Nicæa merely consolidated the many Provincial Canons enacted long before their time. For instance, the sixth canon which says, "If two or three Bishops oppose an election, reasonable in itself, and in accordance *with the Ecclesiastical Canon*, let the vote of the majority prevail," supposes such a Canon as already in force in the provinces. Moreover, all the provisions of the 6th Canon are prefaced by the words, "Let ancient customs prevail," pointing plainly to the fact that they were a ratification of laws of such long standing as to be called, *ancient*. We have therefore, in the very language of the Nicene Canons, proof from internal evidence, that Bishops "were concerned in elections,"† and that it was an "ancient custom;" but if so, we have something more than a *trace* of "their being present even in ordinations before the Nicene Council."

It should be remembered that universal obedience to the decrees of a general Council was a plant of slow growth. It depended on the acceptance accorded them by Provincial Synods. In those days it took a long time for the Canons of a general Council to reach all the provinces, but when they did reach them, the Provincial Synods accepted them (or such of them as needed acceptance), in Provincial Canons. Thus the

* St. Amb. opera, Tom. I, cap. 5. † Canons 1, 2, 5, 6, p. 15-17.

Provincial Synod of Antioch (A.D. 341), adopted as its own and explained the 4th Canon of Nicæa. The 19th Canon explained the meaning of "*cheirotomia*" in the 4th Canon of Nicæa, and shows plainly that the latter Canon is one of election and not of consecration merely. It provides that a Bishop shall not be elected, without (first) a Synod, (second), the presence of the Metropolitan, (third) the presence of the fellow-ministers of the Metropolitan in the province, to be summoned by letter, or without at least the consent of a majority of those absent, signifying their vote by letters. We should not then be surprised at finding that in many cases the Canons of Councils were broken through ignorance. It was by means of Provincial Synods that the Canons of General Councils were promulged, and oftentimes this took a long time to effect. The great Augustine confessed that when he was consecrated, he disobeyed the Canon of Nicæa, which forbade two Bishops to be in one city. He says, "I was ordained Bishop and sat with him (Valerius) which I did not know was prohibited by the Nicene Council, nor did he himself know it." (*Episcopus ordinatus sum et sedi cum illo, quod concilio Nicæno prohibitum fuisse nesciebam, nec ipse sciebat.*)* He transgressed too the 23rd Canon of Antioch, which forbids a bishop from appointing his successor, as he designated Eradius to succeed him, with however the consent of the Clergy and people. His namesake of Canterbury did the same thing, and both were influenced by the fear of a troublous election after their death. So disgraceful were popular proceedings in episcopal elections, that Nazianzen complained that in them, "It was evident who excelled the rest as much as the sun the stars, at least to the purest part of the people, the Clergy and our Nazarites, to whom chiefly or wholly such choice should be referred, and not to the richest and greatest, and to the mercy and indiscretion of the multitude, yea, even to the basest persons among them."† St. Augustine nominated his own successor for this very reason, because says he, "I know that after the deaths of Bishops, churches are disturbed by ambitious or contentious men." (*Seio post obitus episcoporum per ambitiosos aut contentiosos solere ecclesias perturbari.*)‡

* Ep. 110.

† Bilsen's, perp. gov., p. 448.

‡ Ep. 110.

But amid all the variety which existed in the election of Bishops, there was one element that ever remained constant—the necessity of procuring the consent of the Provincial Bishops. I do not know of any exception save in the case of an unanimous election. Then indeed the consent of the Metropolitan and other Bishops was given even in the case of unbaptized laymen, such as St. Ambrose, Eusebius, etc. It was an established principle that unanimity was at all hazards to be obtained, the blessings of which are summed up by St. Ambrose, “Where there is a demand from all, we ought by no means to doubt that there is the Lord Jesus the author of good will, the arbiter of prayer, the president of the ordination, and the bestower of grace.”

*Ubi universorum postulatio conquirat dubitare nos nequaquam oportet ibi Dominum Jesum et voluntatis auctorem, et petitionis arbitrum, et ordinationis presulem vel largitorem gratiae.**

He says, also, that when a choice is unanimous, it is Divine. “It is deservedly believed that he is divinely elected whom all have demanded.” *Merito creditum quod divino esset electus fuisset quem omnes postulavissent.†*

There are to be found, however, exceptions even to this rule, the exceptions proving the presence and the influence of the Provincial Bishops. The election of St. Martin of Tours is a case in point. Sulpicius Severus says, “An incredible multitude not only in that town, but even in neighbouring cities, had come together to offer their suffrages.” *Incredibilis multitudo non solum in eo oppido, sed etiam in vicinis urbibus ad suffragia ferenda convenerat.‡*

But some of the Bishops objected to St. Martin's election, because, “His person was mean and not worthy of the Episcopate, and he was clad in sordid raiment.” *Adversati sint quod persona esset contempta nec episcopatu digna, vestique sordida vestiretur.* The people however prevailed and he was consecrated. This divine unanimity was often hard to procure, and “interventors” were employed by the Bishops to bring it about. If the Metropolitan thought that unanimity was improbable, then instead of going to the vacant see, he requested the people to send to him two or three delegates in the name of the whole, and then the delegates and Metropolitan decided on the Bishop. However, as these exceptions are set forth largely by Bingham, I shall

* Lib. 10., Ep. 82.

† Ep. ad Vercellenses.

‡ Madg. Cent. Vol. 3, 1985.

dwell no longer on them. I fear indeed that my letter is already too long, though certainly not long enough to make out my case as effectively as may be done. My object has been to show that Mr. Dawson is in error in stating that the Canons of Nicæa are Canons of consecration and not of election, and that there is no foundation for his assertion that in ante-Nicene times, the "Clergy and Laity were alone concerned in Episcopal elections." His statement too, that in those days "there is no trace, even in ordinations, of the assembly of the Bishops and Metropolitan upon such occasions," I have been obliged to deny, for the reasons given, though the 23rd Canon of the Council of Antioch should be a sufficient reason in itself. "Let the ecclesiastical constitution be observed which enjoins that a Bishop be not made otherwise than with (by) a Synod, and the judgment of the Bishops who have the power of promoting a worthy man after the sleep (death) of him who has ceased from his labours." *Servetur autem statutum ecclesiasticum qui continet non aliter fieri debere quam cum Synodo et iudicio Episcoporum qui post defuncti dormitationem, protestatem habent dignum provehendi.* In the original Greek the Canon is even stronger than in the Latin translation of Zonaras, and when it is considered that the Canons of this Council (A.D.341) were based upon, and embody the Apostolical Canons, I think we have a disproof of Mr. Dawson's position. I have nothing to do with his arguments drawn from Modern Canonists, or from Mediæval authorities, all I wish to do is to rescue the House of Bishops, the majority of the Clerical, and almost a majority of the Lay delegates of the Provincial Synod, from the reproach that they are an "*innovating party*," who "*under cover of the proposed Canon (of Confirmation) claim a new election in the House of Bishops, over the Diocesan Synod.*"

I am very sincerely yours,

J. T. ONTARIO.

THE VENERABLE

GEORGE WHITAKER, M.A.,

ARCHDEACON OF YORK,

Provost of Trinity College, and

Prolocutor of the Provincial Synod.

OTTAWA, Dec. 1st, 1877.

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